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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,501	06/30/2000	Vinu Sunderasan	COVDP008	2138
<div>758      7590      04/16/2007</div> <div>FENWICK &amp; WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041</div>				
			<div>EXAMINER</div> <div>DUONG, THOMAS</div>	
			<div>ART UNIT</div> <div>2145</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>04/16/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Allowability**

Application No.

09/608,501

Examiner

Thomas Duong

Applicant(s)

SUNDERASAN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 11, 2007.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Response to Arguments*

1. The Applicants' arguments and amendments filed on April 11, 2007 have been fully considered and are persuasive.

### *Allowable Subject Matter*

2. *Claims 1-33* are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.

3. The following is an examiner's statement of reasons for allowance:

As presented in the previous Office Action, Gilles et al. (US006249578B1) teaches of the reseller obtaining plurality of types of services from the wholesaler and offering those same services to the end user or customer. Thus, in effect, the reseller and wholesaler are cooperating to provide network access services to the end user or customer.

Furthermore, the fact remains that the actual network access offered by the reseller is ultimately provided over service purchased from the wholesaler.

Also presented in the previous Office Action, Liu et al. (US006785325B1) teaches of the use of DSL among other DSL variants to carry broadband traffic from the customer premise to the central office. In addition, Liu teaches of the ILECs leasing CO space and providing access to DSL or POTS ports to CLECs, so that the CLECs can compete with the ILECs to provide these services to end-users.

However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for *“electronically receiving a request message relating to the high speed network access service, the high speed network access service comprises digital subscriber line technology, from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes passing high speed network data destined to or originating from the end subscriber, after the high speed network access service is established and includes the high speed network access service itself, the first and second service providers respectively is one from a group consisting of: (i) a competitive local exchange carrier (CLEC) and an incumbent local exchange carrier (ILEC); (ii) an ILEC and a CLEC; (iii) an internet service provider (ISP) and a CLEC; or (iv) a CLEC and an ISP;”* and in combination with other limitations as set forth in the independent claims, as well as Applicants' arguments presented on page 12 of the After Non-Final filed on April 11, 2007. In the fore mentioned amendment, the Applicants argued, *“likewise, amended claims 14 and 24 recite a related system and computer program product, respectively. Support for the amendments made to claim 1 are found in the specification at, for example, page 5, line 19 to page 6, line 7 and Figure 1. Additional support is found, for example, at page 6 lines 8-22, and Figure 2. The claimed invention beneficially automates communication between digital subscriber line (DSL) service providers in order to provide high speed network access service. A modem DSL network can require significant communication between CLECs, ILECs, and ISPs in order to provide high speed network data to the end subscriber. By automating communications*

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*between these service providers, the claimed invention decreases the need for time-consuming, inefficient, and error-prone manual entry" (pg.12).*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

April 27, 2007



Jason D. Cardone

Supervisory PE (AU2145)